



West Fargo Planning and Zoning Commission  
April 13, 2009 at 7:00 P.M.  
West Fargo City Hall

Members Present: Harriet Smedshammer  
Jason Gustofson  
Wayne Nelson  
Frank Lenzmeier  
Tom McDougall  
Terry Potter

Members Absent: Kim Keller

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Brock Storrusten, Bernie Dardis, Mike Thorstad, Dan Elton

The meeting was called to order by Chair Lenzmeier.

Commissioner Nelson made a motion to approve the March 9, 2009 meeting minutes as printed and mailed. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A09-6 Conditional Use Permit to increase amount of allowable signage in an Agricultural District on property located in the NE¼ of Section 12, T139N, R50W, Cass County, North Dakota.

Steven reviewed the following information from the staff report:

The property is along the south side of West Main Avenue near the I-94 on-ramps, on the Red River Valley Fairgrounds. The property is zoned Agricultural and is unplatted. The applicant does not wish to annex the property at this time and is not requesting municipal services. The applicant is requesting an increase in the allowable signage in an Ag District. As per city ordinances the maximum sign area is 32ft<sup>2</sup>, the applicant is requesting 84.5 ft<sup>2</sup> of wall signage with a letter height that can be read easily by motorists on Interstate 94.

This building is located on the Red River Valley Fairgrounds which has a conditional use permit that allows them to make changes to the property without having to go through a conditional use permit process for things related to the activities of the RRV Fairgrounds. This building is not associated with the RRV Fair. While not associated with the RRV Fair, it was allowed to be constructed under the onus that it would be used for activities held on the fairgrounds and ultimately operated on a very discrete basis.

The sign and type of signage being proposed suggests to staff that this business is operating as more of a commercial business and does not meet the letter of the conditional use permit as approved by the city. Reasoning for the increase in size of signage has been communicated that the signage is to be seen from passing interstate traffic. The proposed signage would be comparable to the size and type of signage allowed in commercial and industrial zoned areas.

It is the opinion of staff that if this building is to be used in conjunction with and ancillary to the RRV Fair and other activities held on this property that the allowable amount of signage, 32 ft<sup>2</sup> is acceptable and would be allowed; however, if this building is to be used as a commercial business, and advertise as such, that the property would need to be split from the RRV Fairgrounds by subdivision and rezoned to allow a commercial use, and thus commercial signage.

Notices were sent to area property owners within 350' and no comments were received.

It is recommended to deny the application on the basis that it is not consistent with City plans and ordinances and is not consistent with a CUP previously approved for the fairgrounds use.

Bernie Dardis, Indigo Signs, stated that this issue has been brought up in the past, that 32 ft<sup>2</sup> is inadequate. It is too small to be read from the interstate. It's a waste of money for the customer, who asked them to pursue this issue. He stated that this is on the westernmost part of the property. They looked at doing a monument sign, but because of the chain link fence along the interstate and the height limitations, it was too restrictive.

There were no other comments from the public. The hearing was closed.

Commissioner Nelson asked if more signage would be allowable if the property was zoned Commercial. Steven indicated yes. Steven stated that originally it was understood that soil conservation would use the building on a temporary basis and the rest of the year the fair would use it.

Discussion was held regarding commercial zoning. Larry stated that staff has plans to meet with the RRVF to discuss the intent of the property, long term goals...

Mr. Dardis indicated that he was under the impression that the property was owned by Cass Soil Conservation. Larry stated that the property is owned by the fairgrounds.

Discussion was held regarding the sign's intent and intended use of the building.

City Commissioner Mike Thorstad asked if the screening and buffering for the proposed Steffes development to the west might affect this property. Steven reviewed the Agiron site plan. Chair Lenzmeier indicated that this could be impacted by the Steffes property.

Mr. Dardis indicated that Steffes is probably going to want more signage. Larry stated that their property will be zoned commercial, so more signage would be allowed. He again indicated that staff was meeting with the fairgrounds and asked Mr. Dardis to have the applicant (Cass Soil Conservation) contact the planning office.

Commissioner Smedshammer made a motion to table the request. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A09-7 Conditional Use Permit to allow construction of an accessory building at 1724 40<sup>th</sup> Avenue West (Lot 1, Block 1 of McDougall 1<sup>st</sup> Subdivision, Cass County, North Dakota).

Steven reviewed the following information from the staff report:

The property is located in McDougall 1<sup>st</sup> Subdivision which is within the city's extraterritorial jurisdiction. The property is located on the north side of 40th Avenue W and west of the Sheyenne Diversion. The property is zoned R-1E: Rural Estate District, and requires a conditional use permit to construct an accessory building larger than 1,000 ft<sup>2</sup>. The proposed use is consistent with City Plans and Ordinances.

The applicant has submitted a site plan and is proposing a 42' x 75' (3,150 ft<sup>2</sup>) detached garage. The wall height would be 14'. According to the site plan, the proposed accessory building meets setback requirements. Accessory structures over 1,000 ft<sup>2</sup> have been conditionally approved in the past for rural subdivisions provided they are in character with the development pattern of the subdivision. The applicant has submitted elevations with his application which show the exterior finish would be stone and steel siding.

Property owner will be required to have his property surveyed to find elevations to ensure the proposed structure is built above the 100 year flood plain level. This is a requirement of Building Administration prior to issuing a building permit outside of the Sheyenne Diversion. Accessory buildings within the R-1E district are limited to 20' in height. Notices were sent to property owners within 350' and no comments were received.

It is recommended to conditionally approve the application on the basis that it is consistent with City plans and ordinances. The conditions of approval are as follows:

1. The applicant complies with the City's flood plain standards.

There were no comments from the public. The hearing was closed.

Commissioner Gustofson made a motion for approval based on staff recommendations. Commissioner Nelson seconded the motion. Commissioners Potter, Smedshammer, Nelson, Lenzmeier and Gustofson voted aye. Commissioner McDougall abstained from voting. No opposition. Motion carried.

The next item on the agenda was A09-2 Agiron 1<sup>st</sup> Addition Detailed Development Plans.

Larry stated that at the March 30, 2009 City Commission meeting, the first reading on rezoning for the application was given for Planned Unit Development. The staff has worked with the applicant on developing PUD guidelines for the proposed development which identifies a list of uses that would be permitted within the district and a list of uses that would not be allowed in the district. Also, the guidelines indicate the site and building requirements will follow the CO-I: Interstate Corridor Overlay District and CO-R: Redevelopment Corridor Overlay District requirements. Changes in development for the property from the approved PUD plans would follow the PUD Amendment procedures. The guidelines are a part of the Detailed Development Plans for consideration.

The applicant has also submitted a site plan which provides more detail on proposed sited improvements. A retention pond is proposed in the southeast corner of the property. Three equipment display pad sites which would be 50' in diameter each are proposed between the retention area and the building. The building would be 80' x 180' or 14,400 ft<sup>2</sup>. A concrete parking lot with 60 parking spaces is proposed on the south, southeast and southwest sides of the building. A loading dock facility would be located northwest of the building for handling equipment. A private access road is proposed to access the site from Main Avenue. The applicant proposes a berm with tree plantings on the west side of the property to effectively screen the loading dock and storage area for the facility. The berm would be 30' wide and 6' high with two rows of 6-foot evergreens at 25-foot staggered spacing. The site plan meets the requirements of the CO-I District.

It is recommended that the Detailed Development Plans are conditionally approved on the basis they are consistent with City plans and ordinances. The conditions of approval are as follows:

1. The CM PUD Guidelines for Property Located in Agiron 1<sup>st</sup> Subdivision are approved.
2. The detailed site plan is approved addressing all site improvements
3. Building elevation and floor plans are received prior to City Commission approval.
4. A Final Plat is received with necessary easements.
5. An Attorney Title Opinion is received.
6. A certificate is received showing taxes are current.
7. A drainage/utility plan is received and approved by the City Engineer and Cass County Health Department.
8. The Main Avenue access plan is approved by the North Dakota Department of Transportation.
9. A park dedication agreement is received.
10. A Planned Unit Development Agreement is received.
11. An annexation agreement is received.

Dan Elton, representing the Steffes' indicated he was available to answer questions. They intend to meet with the Fair Board this week to discuss issues relating to the Main Avenue access.

Commissioner Gustofson asked how the berm along the interstate compares to others. Larry stated it is comparable to the one along the Elmwood Court development.

Commissioner Gustofson made a motion for approval based on Staff Recommendations 1-11. Commissioner Smedshammer seconded the motion. No opposition. Motion carried.

The next item on the agenda was Site Plan Review for Office Building in the CO-I: Interstate Corridor District at 644 East Beaton Drive.

Steven reviewed the following information from the Fact Sheet:

Development plans for properties located within the CO-I: Interstate Corridor Overlay District are required to be reviewed by the Planning and Zoning Commission and City Commission prior to issuing a building permit. The review process provides assurance to the Planning and Zoning Commission and City Commission that development along the interstate corridor will be according to the higher development standards intended for this corridor through the community.

Titan Machinery is building a two-story building with 39,615 ft<sup>2</sup> of office space, two training rooms and an underground parking garage. The building exterior is rock face and face brick veneer on south, west and east sides and metal panel wall system on the north side.

The site plan shows outside parking on the east side of the building. The parking is setback well and screened. The rear of the property shows buffering with two rows of trees. A detailed landscape plan should be developed for staff review and approval which meets the business screening requirements along adjoining residential areas.

The business is requesting a reduction in the required parking, because of the number of employees and periodic number of people training at the facility. The reduction is parking spaces would be from 259 spaces to 172 spaces.

The business is experiencing time constraints for building completion and has requested a fast-track review process. As such the City Commission reviewed the development plans at their last meeting. The only concern of the City Commission was that a detailed landscaping plan be development for the landscaping on the north side of the building which will spell out how the landscaping will provide an effective visual screen. The landscape plan is to be approved by the staff.

Commissioner Nelson made a motion for approval. Commissioner McDougall seconded the motion. No opposition. Motion carried.

The next item on the agenda A09-4 Woodlinn West 4<sup>th</sup> Addition, Replat & Rezoning from R-2: Limited Multiple Dwellings to C: Light Commercial & PUD: Planned Unit Development of Lot 1, Block 1 of Woodlinn West 3<sup>rd</sup> Addition and Lot B, Block 8B of the Replat of Lot 16, Block 8 of Meyer's 2<sup>nd</sup>, City of West Fargo, North Dakota, should be continued.

Commissioner McDougall made a motion to table this item until more information is received. Commissioner Smedshammer seconded the motion. No opposition. Motion carried.

The next item on the agenda was North Dakota Planning Association Education and Training – April 23<sup>rd</sup>.

Steven indicated that since the NDPA is not holding an annual conference and is instead going to be part of the Western Planner Conference in Spearfish South Dakota, the NDPA will host some educational workshops throughout the state. There will be one in the western part of the state at a later date and one at the Public Works building at 1 p.m. on April 23<sup>rd</sup>.

Commissioner McDougall made a motion to adjourn. Meeting adjourned.